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CSMS# 13-000298 - Initiation Date for Liquidated Damages for ISF Non-Compliance

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06/07/2013 10:04 AM EDT

Ocean Manifest

In order to achieve the most compliance with the least disruption to the trade and to domestic port operations, CBP has been applying a measured and commonsense approach to Importer Security Filing (ISF or 10+2) enforcement. On July 9, 2013 CBP will begin full enforcement of ISF, and will start issuing liquidated damages against ISF importers and carriers for ISF non-compliance.

Please visit http://www.cbp.gov/xp/cgov/trade/cargo_security/carriers/security_filing for more information and send questions to security_filing_general@cbp.dhs.gov.

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CBP Enters Next Phase of Importer Security Filing

Release Date: Fri, 06/07/2013 - 12:00

WASHINGTON, D.C.—U.S. Customs and Border Protection is making preparations to enter into the liquidated damages phase of the Importer Security Filing (ISF) enforcement process, which takes effect next month.

"The Importer Security Filing and Additional Carrier Requirements are part of CBP's layered enforcement strategy," said Acting Commissioner Thomas S. Winkowski. "CBP works collaboratively and collectively with the other agencies and the trade to maintain the highest level of security and safety for our nation while facilitating legitimate trade."

CBP will begin the liquidated damages phase of ISF enforcement on July 9, 2013, adding to the use of manifest holds and non-intrusive inspections to enforce ISF compliance. In order to achieve maximum compliance with the least amount of disruption to the trade and to domestic port operations, CBP has been applying a measured and commonsense approach to enforcement.

CBP may issue liquidated damages of \$5,000 per violation for the submission of an inaccurate, incomplete or untimely filing. Liquidated damages in simplified terms refer to a penalty secured by a bond. If goods for which an ISF has not been filed arrive in the U.S., CBP may withhold the release or transfer of the cargo. For carrier violations of the vessel stow plan requirement, CBP may refuse to grant a permit to unload for the merchandise. Additionally, noncompliant cargo could be subject to further inspection on arrival.

The ISF and Additional Carrier Requirements were borne out of the Security and Accountability For Every (SAFE) Port Act of 2006 which required the filing of additional advance data elements to help CBP to make earlier and more informed targeting decisions and improve CBP's ability to target high-risk U.S.-bound containerized vessel cargo prior to its arrival in the U.S.

The 10+2 rule was published in the Federal Register on November 25, 2008 and has been in effect since January 26, 2009.

U.S. Customs and Border Protection is the unified border agency within the Department of Homeland Security charged with the management, control and protection of our nation's borders at and between the official ports of entry. CBP is charged with keeping terrorists and terrorist weapons out of the country while enforcing hundreds of U.S. laws.

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